

PATENTS
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
R. MARTIN EMANUELE, ET AL.)
Serial No. NOT YET ASSIGNED) Art Unit: NOT YET ASSIGNED
Filed: DECEMBER 14, 2001) Examiner: NOT YET ASSIGNED
For: POLYOXYPROPYLENE/POLYOXYETHYLENE)
COPOLYMERS WITH IMPROVED BIOLOGICAL)
ACTIVITY)

PRELIMINARY AMENDMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Prior to examination of the present application, please enter the following amendments.

In the Specification

Please delete the first full paragraph of page 1 of the specification, lines 16-18 and replace it with the following paragraph:

This application is a continuation of U.S. Patent Application Serial No. 09/368,855, filed August 5, 1999 (allowed), which is a continuation of U.S. Patent Application Serial No. 08/889,342, filed July 8, 1997, now U.S. Patent No. 5,990,241, which is a continuation of U.S. Patent Application Serial No. 08/657,161, filed June 3, 1996, now U.S. Patent No. 5,691,387, which is a division of U.S. Patent Application Serial No.

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail in an envelope addressed to: U.S. Patents and Trademarks Office, P. O. Box 2327, Arlington, Virginia 22202, on December 14, 2001. EXPRESS MAIL NO.: EL 910718949 US

Suzanne Seavello Shope
Suzanne Seavello Shope. - Reg. No. 37,933

Preliminary Amendment

Inventor: R. Martin Emanuele, et al.

Title: Polyoxypropylene/Polyoxyethylene Copolymers with Improved Biological Activity

Filed: December 14, 2001

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08/087,136, filed July 2, 1993, issued as U.S. Patent No. 5,523,492, now Reissue Patent No. 36,665, which is a continuation of U.S. Patent Application Serial No. 07/847,874, filed March 13, 1992 (abandoned), which is a continuation-in-part of pending U.S. Patent Application Serial No. 07/673,289, filed March 19, 1991, now abandoned.

In the Claims

Please cancel Claims 1-35.

Please enter the following new claims:

36. (New) A method for preventing cell damage, comprising: administering to a patient at risk for cell damage a composition comprising a substantially pure polyoxypropylene/polyoxyethylene block copolymer composition, wherein said substantially pure polyoxypropylene/polyoxyethylene block copolymer composition is less toxic than a corresponding non-pure polyoxypropylene/polyoxyethylene block copolymer composition, said substantially pure polyoxypropylene/polyoxyethylene block copolymer composition containing block copolymers with each of the block copolymers having the following general formula:



wherein a is an integer such that the molecular weight represented by the polyoxypropylene portion of the respective block copolymer is between 900 Daltons and 15,000 Daltons and b is an integer such that the molecular weight represented by the polyoxyethylene portion of the respective block copolymer constitutes between 5% and 95% of the respective block copolymer and the polydispersity value is less than approximately 1.07.

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37. (New) The method of Claim 36 wherein the average total molecular weight of said substantially pure block copolymer composition is between 7,500 and 9,500 Daltons and a is an integer such that the molecular weight represented by the polyoxypropylene portion of the respective block copolymer is between 1,400 Daltons and 2,100 Daltons and b is an integer such that the molecular weight represented by the polyoxyethylene portion of the respective block copolymer constitutes between 70% and 90% of the respective block copolymer.

38. (New) A method for preventing cell damage, comprising:
administering to a patient at risk for cell damage a composition comprising a substantially pure polyoxypropylene/polyoxyethylene block copolymer composition, wherein said substantially pure polyoxypropylene/polyoxyethylene block copolymer composition has less unsaturation than a corresponding non-pure polyoxypropylene/polyoxyethylene block copolymer composition, said substantially pure polyoxypropylene/polyoxyethylene block copolymer composition containing block copolymers with each of the block copolymers having the following general formula:



wherein a is an integer such that the molecular weight represented by the polyoxypropylene portion of the respective block copolymer is between 900 Daltons and 15,000 Daltons and b is an integer such that the molecular weight represented by the polyoxyethylene portion of the respective block copolymer constitutes between 5% and 95% of the respective block copolymer and the polydispersity value is less than approximately 1.07.

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39. (New) The method of Claim 38 wherein the average total molecular weight of said substantially pure block copolymer composition is between 7,500 and 9,500 Daltons and a is an integer such that the molecular weight represented by the polyoxypropylene portion of the respective block copolymer is between 1,400 Daltons and 2,100 Daltons and b is an integer such that the molecular weight represented by the polyoxyethylene portion of the respective block copolymer constitutes between 70% and 90% of the respective block copolymer.

40. (New) The method of Claim 36 wherein the cell damage is associated with tissue cells, myocardial cells, organ tissue cells, red blood cells, or nervous system cells.

41. (New) The method of Claim 37 wherein the cell damage is associated with tissue cells, myocardial cells, organ tissue cells, red blood cells, or nervous system cells.

Preliminary Amendment

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REMARKS

This is a continuation application of U.S. Patent Application Serial No. 09/368,855, filed August 5, 1999 (allowed).

Claims 1-35 have been cancelled and new Claims 36-41 have been added. After entry of this amendment, Claims 36-41 will be pending.

Preliminary Amendment

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Version with Markings to Show Changes Made

Amendment in the Specification

In accordance with 37 C.F.R. § 1.121(b), the following replacement paragraph shows all the changes made by the foregoing amendment relative to the previous version of the specification.

Page 1, first full paragraph:

This application is a continuation of U.S. Patent Application Serial No. 09/368,855, filed August 5, 1999 (allowed), which is a continuation of U.S. Patent Application Serial No. 08/889,342, filed July 8, 1997, now U.S. Patent No. 5,990,241, which is a continuation of U.S. Patent Application Serial No. 08/657,161, filed June 3, 1996, now U.S. Patent No. 5,691,387, which is a division of U.S. Patent Application Serial No. 08/087,136, filed July 2, 1993, issued as U.S. Patent No. 5,523,492, now Reissue Patent No. 36,665, which is a continuation of U.S. Patent Application Serial No. 07/847,874, filed March 13, 1992 (abandoned), which is a continuation-in-part of pending U.S. Patent Application Serial No. 07/673,289, filed March 19, 1991, now abandoned.

Amendment in the Claims

In accordance with 37 CFR 1.121(c), the following replacement paragraphs show all the changes made by the foregoing amendment relative to the previous version of the claims.

Claims 1-35 have been cancelled.

New Claims 36-41 have been added.

Preliminary Amendment

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Status of the Claims

By this amendment, Claims 36-41 are now pending.

CONCLUSION

A check in the amount of \$370.00 is enclosed to cover the fees for the new claims. No additional fees are believed due; however, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 11-0855.

Applicants submit that the claims in the present application are in condition for allowance, and such action is courteously solicited. The Examiner is invited and encouraged to contact the undersigned attorney of record at (404) 745-2413, if such contact will facilitate an efficient examination and allowance of the application.

Respectfully submitted,



Suzanne Seavello Shope
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